

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ROSE COULTER-OWENS,  
individually, and on behalf of all others  
similarly situated,

Plaintiff,

v.

RODALE INC., a Pennsylvania  
Corporation,

Defendant.

Case No. 2:14-cv-12688

Honorable Robert H. Cleland

**STIPULATION AND ORDER DENYING WITHOUT PREJUDICE  
PLAINTIFF'S MOTION FOR CLASS CERTIFICATION**

This Stipulation is entered into by and among Plaintiff Rose Coulter-Owens and Defendant Rodale Inc., by and through their respective counsel.

WHEREAS, Plaintiff Rose Coulter-Owens filed her Class Action Complaint on July 9, 2014, (Dkt. 1);

WHEREAS, at the time Plaintiff filed her Complaint, she also filed a motion for class certification requesting, among other things, that the Court reserve ruling on the issue of class certification until after the Parties have had a sufficient opportunity to commence and complete discovery related to requirements of Fed. R. Civ. P. 23 for maintaining this action as a class action, (Dkt. 2). Plaintiff filed her motion to protect against an attempt by Defendant to “buy off” her

representative claims by making a settlement offer before a motion for class certification was pending before the Court. *See Damasco v. Clearwire Corp.*, 662 F.3d 891, 896 (7th Cir. 2011) (“A simple solution to the buy-off problem . . . is available. . . . Class-action plaintiffs can move to certify the class at the same time that they file their complaint. The pendency of that motion protects a putative class from attempts to buy off the named plaintiffs.”).<sup>1</sup>

NOW THEREFORE, the parties stipulate as follows:

1. Upon execution and filing of this stipulation, the parties request that the Court enter an order denying without prejudice Plaintiff’s Motion For Class Certification. (Dkt 1.)

2. Beginning from the time that the Court enters an order denying without prejudice Plaintiff’s Motion For Class Certification, Defendant agrees that in the event Defendant intends to make Plaintiff any individual settlement offer, but before any such offer is made, Defendant will either (i) seek Plaintiff’s prior consent or (ii) wait until Plaintiff first files a renewed motion for class certification.

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<sup>1</sup> The Sixth Circuit has not addressed whether a full settlement offer, made while a class certification motion is not pending, renders a plaintiff’s individual and representative claims moot.

**IT IS SO STIPULATED.**

Date: March 25, 2015

Respectfully submitted,

ROSE COULTER-OWENS, individually  
and on behalf of all others similarly situated,

/s/ Benjamin S. Thomassen  
One of Plaintiff's attorneys

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Date: March 25, 2015

RODALE INC.,

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**IT IS SO ORDERED**

Dated: March 25, 2015

/s/Robert H. Cleland

Honorable Robert H. Cleland

United States District Judge